

**Remarks:**

Applicants have amended the pending claims to more fully claim Applicants' invention. Support for the amendment to Claims 1 and 5 can be found in the Specification, as originally filed, such as on page 3, paragraph 12.

In a final Office Action, dated 10/20/2005, the Examiner rejected the then pending claims 1-3, 5-6, and 8-9 under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Knudson (US Patent No. 5,860,213). The Examiner held that:

Herren et al. '857 shows and teaches a frame system comprising: a plurality of studs (30) each having a longitudinally extending body (32) and opposing first flanges (40, 42) extending outwardly from the body at approximately an angle of 90 degrees, and opposing foldable end flaps (44, 50) with connecting holes formed thereon, a pair of tracks (12, 13) mounted to the plurality of studs, each track having a longitudinally extending track body (24) and opposing track flanges (18, 20) extending outwardly from the track body at an angle approximately 90 degrees, the track body having fastening holes at the respective mounting locations of each of the studs, each stud being mounted between the pair of tracks by fasteners through the holes of the track bodies and the end flaps of the stud. Herren does not define the studs having opposing second flanges extending outwardly from the opposing first flanges at an approximately 90 degrees as claimed. However, Knudson teaches the frame system comprising C-shaped tracks (12, 13) and studs (14) mounted therebetween, wherein the stud (14) having opposing first flanges (22) extending from a body (14), and second flanges (24) extending from the first flanges at an angle approximately 90 degrees for increasing the rigidity of the flanges of the stud. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren having the studs being formed with an additional second opposing flanges formed on the first flanges as taught by Knudson, as old and well known in the art, for increasing rigidity and tensile strength of the stud to as claimed.

The Examiner further rejected claims 1-3, 5-6, and 8-9 under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Atwater (US Patent No. 3,664,513) and further in view of Knudson (US Patent No. 5,860,213). The Examiner held that:

Herren et al. '857 show and teach a frame system comprising: a plurality of studs (30) each having a longitudinally extending body (32) and opposing first flanges (40, 42) extending outwardly from the body at approximately an angle of 90 degrees, and opposing foldable end flaps (44, 50) with mounting holes formed thereon, a pair of tracks (12, 14) mounted to the plurality of studs, each track having a longitudinally extending track body (24) and opposing track flanges (18, 20) extending outwardly from the track body at an angle approximately 90 degrees, the track body having mounting holes (no number, see Fig. 1), each stud being mounted between the pair of tracks by fasteners (58) through the holes of the track bodies and the end flaps of the stud. Although Herren et al. do not specifically define the tracks having the mounting holes being preformed along the track body at the respective mounting locations of each of the studs as claimed, Atwater teaches, as known in art, a framing system comprising a plurality of U-shaped tracks (20) each having a plurality of fastening holes (38) being preformed along the track body at the predetermined respective mounting locations such that a plurality of studs (26) being mounted between a pair of the tracks at the predetermined locations by fasteners. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the framing system of Herren to have the tracks having holes being preformed along the track body as taught by Atwater for more easily mounting the studs in between the tracks in the predetermined locations without measurements during the construction. Further, Herren et al. do not define the studs having opposing second flanges extending outwardly from the opposing first flanges at an approximately 90 degrees as claimed. However, Knudson teaches the frame system comprising C-shaped tracks (12, 13) and studs (14) mounted therebetween, wherein the stud (14) having opposing first flanges (22) extending from a body (14), and second flanges (24) extending from the first flanges at an angle approximately 90 degrees for increasing the rigidity of the flanges of the stud. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren having the studs being formed with an additional second opposing flanges formed on the first flanges as taught by Knudson, as old and well known in the art, for increasing rigidity and tensile strength of the stud to as claimed.

Additionally, the Examiner rejected claims 4 and 7 under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Atwater (US Patent No. 3,664,513) and Knudson (US Patent No. 5,860,213) as applied to claims 1 or 5 above, and further in view of Baltimorean (US Patent No. 5,411,812). The Examiner held that:

The claims are considered to be met by the combined

references as explained and applied set forth above rejections except that either Herren et al. or Atwater or Knudson does not define the tracks and studs being made of specific material of a carbon steel being coated with a galvanized zinc layer as claimed. Bilimoria teaches a steel beam/strip could be made of carbon steel being galvanized with a zinc coating as claimed. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren et al. combined with Atwater and Knudson having the tracks and the studs being made of specific metal such as a carbon steel with a galvanized zinc coating as taught by Bilimoria for taking advantage of high tensile strength of the structure for particular advantage since they are easily formed according to technology which is known per se into complex and intricate shapes and configurations.

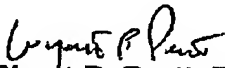
In response to Applicant's arguments that the cited references do not have the feature of "the body of each track also includes (at least one) mounting hole(s) at respective mounting locations of each of the plurality of studs", the Examiner held that "Herren shows the track body (24) having mounting holes to allow the fasteners (58) passed therethrough. Wherein the mounting holes, as known in the art, are capably preformed to allow easily determine the locations the studs to be mounted during the construction. In addition, Atwater further recited for teaching such a known method of performing holes along components for receiving fasteners in a framework art."

The Examiner has held that Herren et al discloses "opposing foldable end flaps (44, 50)". However, the disclosure in Herren et al evidences bent end flaps, along a continuous, non-interrupted section of a channel base. Applicants have amended independent claims 1 and 5 to include "holes or slots" to more particularly claim the present invention to include physical alterations across the body 16 of the stud to facilitate bending of the end flaps 31. This feature is absent from the Herren et al reference. Herren et al discloses that the "cross connecting device 30 also includes a flat, transverse generally rectangular end tab or plate 44 that is disposed normal to the channel base 38 at the end 34 thereof between the channel sides 40 and 42" (see Herren et al at col. 6, lns. 38-43). Herren et al does not disclose any physical alterations at the location of

bending the end tabs; bent portions of the channel base (as found in Herren et al) that form end flaps, when present, occur along a physically consistent member. As such, Herren et al fails to address the advantages of a weakened line for bending that Applicants have found particularly useful in the field of framing systems. Additionally, Herren et al, alone or in combination with the other cited references, *i.e.*, Knudson, Atwater or Bilimoria, does not disclose or suggest such useful physical alterations. Accordingly, Applicants respectfully submit that the presently claimed invention, claims 1-9, is patentable over the cited art.

In conclusion, the Applicant respectfully submits that the presently presented claims are in condition for allowance and respectfully request reconsideration and allowance of the claims.

**Respectfully submitted,**

  
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